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FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			ENGLAND, DAVID E	
			ART UNIT	PAPER NUMBER
			2143	
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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)
	09/588,683	USHIDA, KATSUTOSHI
	Examiner David E. England	Art Unit 2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 28 January 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-100 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-100 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date Z. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

1. Claims 1 – 100 are presented for examination.

Claim Objections

1. Claim 4 is objected to because of the following informalities: The limitation of “a number of a receiving party” is not proper English. If the Applicant said something to the affect of “a plurality of receiving parties” or “a number of receiving parties” or the like, would not change the scope of the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 3, 9, 10, 26, 32, 33, 53, 56, 58, 59, 65, 76, 88 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase “a common image data format standard” is a relative term that makes these claims indefinite. If the Applicant means to say “a default image format” of some sort, the Applicant could amend to state this but it must be found in the specification and it would require further search and consideration because it does change the scope of the invention.

4. Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention. The phrase "switched on the bases" is ambiguous in the interpretation of its function of turning on an operation panel or changing, (i.e. swapping), information. Furthermore, it is still unclear as to what is being "switched" to another form, position, display, etc.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 – 4, 7 – 15, 25 – 27, 30 – 33, 34 – 38, 42, 43, 45, 47, 49, 51 – 67, 72, 82, 84 and 86 – 100 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joffe et al. (6600750) (hereinafter Joffe) in view of Applicant's admitted prior art.

7. As per claim 1, Joffe teaches a communication apparatus comprising:
means for transmitting/receiving electronic mail data by connecting to the Internet, (e.g. col. 1, line 16 – col. 2, line 57); and Applicant discloses as admitted prior art, means for communicating the electronic mail data with facsimile-format image data attached thereto by performing communication pertaining to functional information in addition to the communication of the electronic mail data, (e.g. page 1, line 13 – page 3, line 20). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Applicant's admitted prior art with Joffe because it would be more convenient for a system to transmit an email data having

facsimile-format image data attached through the Internet to a users computer to save on a disk, rather then have to go form fax device to fax device.

8. As per claim 2, Joffe teaches a communication apparatus comprising:
9. first connecting means for connecting to a local area network and/or second connecting means for connecting to a wide area network, (e.g. col. 1, line 16 – col. 2, line 57);
10. first communicating means for transmitting/receiving electronic mail data by connecting to the Internet by one of said first and second connecting means, (e.g. col. 1, line 16 – col. 2, line 57); and
11. second communicating means for performing facsimile communication by connecting to the wide area network by said second connecting means, (e.g. col. 1, line 16 – col. 2, line 57 & Fig. 3), and Applicant admits in the prior art wherein communication concerning functional information is performed when said first communicating means communicates electronic mail data having image data attached, (e.g. page 1, line 13 – page 3, line 20). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Applicant's admitted prior art with Joffe for similar reasons stated above.
12. As per claim 3, as interpreted by the Examiner, Applicant admits in the prior art if there is no response to the communication concerning functional information from a communication partner apparatus with which said first communicating means communicates, electronic mail data is sent by said first communicating means by attaching image data corresponding to a common image data format standard, (e.g. page 1, line 13 – page 3, line 20). It would have been

obvious to one of ordinary skill in the art at the time the invention was made to combine Applicant's admitted prior art with Joffe for similar reasons stated above.

13. As per claim 4, as interpreted by the Examiner, Joffe teaches if there is no response to the communication concerning functional information from a communication partner apparatus with which said first communicating means communicates and if communication by said second communicating means is designated and a number of a receiving party is designated, said second communicating means communicates image data, (e.g. col. 1, line 16 – col. 2, line 57 & col. 4, line 13 – col. 5, line 35).

14. As per claim 7, as interpreted by the Examiner, Joffe teaches if a communication error occurs during the communication by said first communicating means, electronic mail data describing information concerning communication error information is transmitted to said communication partner apparatus or a previously designated electronic mail address, (e.g. col. 2, line 30 – col. 3, line 62).

15. As per claim 8, as interpreted by the Examiner, Joffe teaches wherein if a communication error occurs during the communication by said first communicating means, electronic mail data having image data attached is transmitted to said communication partner apparatus or to a previously designated electronic mail address, (e.g. col. 2, line 30 – col. 3, line 62).

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16. As per claim 9, as interpreted by the Examiner, Joffe teaches wherein if a communication error occurs during the communication by said first communicating means, communication is performed in accordance with designation of whether transmission of electronic mail by attaching image data by a common image format standard or retransmission is to be performed, (e.g. col. 2, line 30 – col. 3, line 62 & col. 4, lines 13 – 67). Furthermore, Applicant admits in prior art whether transmission of electronic mail by attaching image data by the most common one of image standards, (e.g. page 1, line 19 – page 3, line 20). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Applicant's admitted prior art with Joffe for similar reasons stated above, furthermore, it would save time in transmission if a predefined "standard" communication means was established as a backup.

17. As per claim 10, as interpreted by the Examiner, Applicant admits in the prior art that wherein the common image format standard is an MH coding system considered to be essential of functional information defined by ITU-T T.30, by which a resolution in a main scan direction is 8 pels/mm, a resolution in a sub-scan direction is 3.85 lines/mm, and an original width is 208 mm of A4 size, (e.g. page 1, line 19 – page 3, line 20). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Applicant's admitted prior art with Joffe for similar reasons as stated above.

18. As per claim 11, Joffe teaches wherein if connection to said first communicating means is dial-up connection, communication concerning functional information, communication of a text,

and communication concerning delivery confirmation are successively performed by a single call, (e.g. col. 7, line 50 – col. 8, line 54).

19. As per claim 12, as interpreted by the Examiner, Joffe teaches wherein if connection to said first communicating means is dial-up connection, communication concerning functional information, communication of a text, and communication concerning delivery confirmation are separately performed by at least two calls, (e.g. col. 2, line 30 – col. 3, line 62 & col. 4, lines 13 – 67 & col. 7, line 50 – col. 8, line 54).

20. As per claim 13, as interpreted by the Examiner, Joffe teaches wherein if connection to said first communicating means is dial-up connection, communication concerning functional information, communication of a text, and communication concerning delivery confirmation are successively performed by a single call or separately performed by different calls, (e.g. col. 2, line 30 – col. 3, line 62 & col. 4, lines 13 – 67 & col. 7, line 50 – col. 8, line 54).

21. As per claim 14, as interpreted by the Examiner, Joffe teaches wherein if connection to said first communicating means is dial-up connection, a line is once disconnected to wait for timeout processing in communication, (e.g. col. 5, line 63 – col. 6, line 50).

22. As per claim 15, as interpreted by the Examiner, Joffe teaches wherein if connection to said first communicating means is dial-up connection, a line is once disconnected to wait for

timeout processing in communication, and timeout is selectively verified by recall, (e.g. col. 5, line 63 – col. 6, line 50).

23. As per claim 48, as interpreted by the Examiner, Joffe teaches wherein said wide area network is one of PSTN and ISDN, (e.g. col. 1, lines 14 – 56).

24. Claims 25 – 27, 30 – 33, 34 – 38, 42, 43, 45, 47, 49, 51 – 67, 72, 82, 84 and 86 – 100 are rejected for similar reasons and can be found in the disclosed reference as stated above.

25. Claims 5, 6, 22, 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joffe et al. (6600750) (hereinafter Joffe) in view of Applicant's admitted prior art, in further view of Seo (6124947).

26. As per claim 5, as interpreted by the Examiner, Joffe does not specifically teach wherein if during the communication by said first communicating means a communication error occurs in communication of image data and in communication pertaining to delivery confirmation, retransmission is performed by selecting a number of times of retransmission from a plurality of individually preset number of times of retransmission including zero, in accordance with the contents of the communication error. Seo teaches wherein if during the communication by said first communicating means a communication error occurs in communication of image data and in communication pertaining to delivery confirmation, retransmission is performed by selecting a number of times of retransmission from a plurality of individually preset number of times of

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retransmission including zero, in accordance with the contents of the communication error, (e.g. col. 5, line 45 – col. 6, line 45). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Seo with the combine system of Joffe and Applicant's admitted prior art because it would be more convenient for a user to input exactly how many time to attempt a retransmission if an error were to occur as opposed to having to go through the faxing process manually over and over again.

27. As per claim 6, as interpreted by the Examiner, Joffe and Seo do not specifically teach wherein no retransmission is performed if the contents of the communication error indicate that there is no destination address.

Examiner takes Official Notice (see MPEP § 2144.03) that " wherein no retransmission is performed if the contents of the communication error indicate that there is no destination address " in a computer networking environment was well known in the art at the time the invention was made. The Applicant is entitled to traverse any/all official notice taken in this action according to MPEP § 2144.03, namely, "if applicant traverses such an assertion, the examiner should cite a reference in support of his or her position". However, MPEP § 2144.03 further states "See also In re Boon, 439 F.2d 724, 169 USPQ 231 (CCPA 1971) (a challenge to the taking of judicial notice must contain adequate information or argument to create on its face a reasonable doubt regarding the circumstances justifying the judicial notice)." Specifically, In re Boon, 169 USPQ 231, 234 states "as we held in Ahlert, an applicant must be given the opportunity to challenge either the correctness of the fact asserted or the notoriety or repute of the reference cited in support of the assertion. We did not mean to imply by this statement that a bald challenge, with

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nothing more, would be all that was needed". Further note that 37 CFR § 1.671(c)(3) states "Judicial notice means official notice". Thus, a traversal by the Applicant that is merely "a bald challenge, with nothing more" will be given very little weight. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Applicant's admitted prior art with Joffe because if there is no destination address there can be no retransmission let alone a first transmission without a destination address whether a email address or fax number.

28. Claims 22, 28, 29 are rejected for similar reasons and can be found in the disclosed reference as stated above.

29. Claims 16 – 20, 23, 24, 39 – 41, 46, 50, 68 – 71, 73 – 81, 83 and 85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joffe et al. (6600750) (hereinafter Joffe) in view of Applicant's admitted prior art, in further view of Miller, Jr. et al. (6356356) (hereinafter Miller).

30. As per claim 16, as interpreted by the Examiner, Joffe does not specifically teach wherein functional information of a destination apparatus is acquired by communication using one of said first and second communicating means, a database for holding a maximum capability supported by each function is registered or updated, and, if said first communicating means is to communicate data, the data is converted into a standard registered in said database and communicated. Miller teaches wherein functional information of a destination apparatus is acquired by communication using one of said first and second communicating means, a database for holding a maximum capability supported by each function is registered or updated, and, if

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said first communicating means is to communicate data, the data is converted into a standard registered in said database and communicated, (e.g. col. 3, line 30 – col. 4, line 55). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Miller with the combine system of Joffe and Applicant's admitted prior art because it would be more efficient for a system to utilize the functionality of a database that is commonly used for storing information about users and/or devices on a network.

31. As per claim 17, as interpreted by the Examiner, Joffe teaches all that is described above but does not specifically teach wherein whether image data pertaining to said database is to be converted is set for each function item registered in said database. Miller teaches wherein whether image data pertaining to said database is to be converted is set for each function item registered in said database, (e.g. col. 3, line 30 – col. 4, line 55). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Miller with the combine system of Joffe and Applicant's admitted prior art because it would be cause less errors in the receiving system if the data was converted to a format that the receiving system could process.

32. As per claim 18, as interpreted by the Examiner, Joffe does not specifically teach wherein if an address of another party with respect to said first communicating means is input, display related to functional information on an operation panel is switched on the basis of information in said database. Miller teaches wherein if an address of another party with respect to said first communicating means is input, display related to functional information on an operation panel is

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switched on the basis of information in said database, (e.g. col. 3, line 30 – col. 4, line 55). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Miller with the combine system of Joffe and Applicant's admitted prior art because it would be more convenient for a user to have the system convert the destination number to the address that it is associated with it.

33. As per claim 19, as interpreted by the Examiner, Joffe teaches wherein if a communication error occurs in said first communicating means, said second communicating means communicates image data if communication by said second communicating means is designated and a telephone number of another party is set. Miller teaches wherein if a communication error occurs in said first communicating means, said second communicating means communicates image data if communication by said second communicating means is designated and a telephone number of another party is set, (e.g. col. 3, line 30 – col. 4, line 55). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Miller with the combine system of Joffe and Applicant's admitted prior art for similar reasons as stated above.

34. Claims 20, 23, 24, 39 – 41, 46, 50, 68 – 71, 73 – 81, 83 and 85 are rejected for similar reasons and can be found in the disclosed reference as stated above.

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35. Claims 21 and 44 rejected under 35 U.S.C. 103(a) as being unpatentable over Joffe et al. (6600750) (hereinafter Joffe) in view of Applicant's admitted prior art, in further view of Wolf (6535303).

36. As per claim 21, as interpreted by the Examiner, Joffe teaches all that is described above but does not specifically teach wherein when said first communicating means is to perform communication concerning the functional information, of pieces of functional information defined by ITU-T T.30, functional information pertaining to communication such as a handshake rate, a modem rate, a minimum transmission time, the presence/absence of error correction mode, and the presence/absence of G4 function need not be exchanged. Applicant's admitted prior art teaches wherein when said first communicating means is to perform communication concerning the functional information, of pieces of functional information defined by ITU-T T.30, functional information pertaining to communication such as a handshake rate, a modem rate, a minimum transmission time, the presence/absence of error correction mode need not be exchanged, (e.g. page 1, line 13 – page 3, line 20) and Wolf teaches the G4 function, (e.g. col. 3, lines 14 – 61). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Wolf with the combine system of Joffe and Applicant's admitted prior art for similar reasons as stated above.

37. Claim 44 is rejected for similar reasons and can be found in the disclosed reference as stated above.

Response to Arguments

38. Applicant's arguments filed 02/13/2004 have been fully considered but they are not persuasive.

39. In the remarks, Applicant argues in substance that the 112 rejection for claim 18, in which is stated that the term "switched on the bases" is ambiguous in the interpretation of its function of turning on an operation panel or changing, (i.e. swapping), information, it not ambiguous since it is clear from the claim that, when an address of the other party is input, the information displayed on the display is switched based on the functional information relating to the input address contained in the database.

40. As to part 1, Examiner would like to draw the Applicant's attention to the above, restated 112 rejection that still stands. It states that the more specific function of "switching" in that there is nothing in the claim language that states what the functional information on an operation panel is being switched with. The argument presented by the Applicant does not cure this. Instead, the claim language is repeated, and therefore the rejection still stands.

41. In the remarks, Applicant argues in substance that the applied art is not seen to disclose or suggest at least the feature of performing communication concerning functional information in addition to communication of electronic mail data having image data attached. More specifically that Joffe, Seo, Miller and Wolf do not teach the above limitations discussed above.

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42. As to part 2, Examiner would like to draw the Applicant's attention to the rejection as it still stands. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

43. Furthermore, Joffe, Seo, Miller and Wolf are not used to reject the stated limitation as disclosed by the Applicant. The Applicants admitted prior art is utilized in the rejection of these limitations as disclosed above.

44. In the remarks, Applicant argues in substance that the applied art is not seen to disclose or to suggest at least the feature of sending electronic mail by attacking image data by one of image standards which a communication partner is able to process if a communication error occurs when communicating electronic mail data having image data attached. Also that Joffe, Seo, Miller and Wolf do not teach the above limitations discussed above.

45. As to part 3, Examiner would like to draw the Applicant's attention to the above rejection as restated with the necessary modification due to the amended claims, in which states that Miller and Wolf have nothing to do with the rejection of these limitations as they pertain to claims 22, 45 and 49 as stated by the Applicant. Furthermore, These limitations can be found in Joffe column 4, lines 13 – 67 & column 6, line 65 – column 8, line 26, where he explains the steps of sending an e-mail to a fax machine and the possibilities of a failed transmission of

information with resending the e-mail. This along with the Applicant's admitted prior art teaches on the claim language.

46. In the remarks, Applicant argues in substance that the applied art of Joffe, Seo, Miller and Wolf do not teach the feature of requesting functional information, pertaining to a designated image format, of another party (communication partner), wherein functional information of the other party (communication partner) is not requested if the designated image format is an image format which the other party (communication partner) is able to process, or if the functional information of the communication partner is known, as referenced to claims 23, 46, 50, 71, 81 and 85.

47. As to part 4, the Examiner would like to draw the Applicant's attention to the rejected claims as stated above with modifications from amended language. Seo and Wolf are not relied on in the rejections of these claims. Furthermore, Joffe teaches the claimed limitation as closely interpreted by the Examiner as disclosed in the same areas above in the rejection and response to arguments. Furthermore, it would know that if two communicating devices can read and process the same information, it is obvious that the receiving device would not have to request information to translate the data because the receiving device already can read/ interpret the data. If a receiving device did request information about interpreting the data, when the receiving device already has the resources to interpret the data, it would cause more time delay in transmitting and processing information and would therefore slow down valuable processing time.

48. In the remarks, Applicant argues in substance that the applied art of Joffe, Seo, Miller and Wolf do not teach the feature of, when electronic mail data having image data attached is to be communicated over the Internet, relating electronic mail concerning pieces of functional information pertaining to the same process, electronic mail of a text, and electronic mail concerning delivery confirmation, to each other as indicated in claims 24 and 47.

49. As to part 5, Examiner would like to point out that neither Seo nor Wolf were/are used to reject the claims and/or claim language utilized by the Applicant. Joffe, (e.g. col. 9, line 65 – col. 10, line 23) and Miller, (col. 3, line 66 – col. 4, line 29) utilize the utility of confirmations or otherwise known as acknowledgements in a system that consists of electronic mail.

50. In the remarks, Applicant argues in substance that the applied art of Joffe, Seo, Miller and Wolf do not teach the feature of, when electronic mail data having image data attached is communicated, a communication result report is output which indicates one of information representing that communication of image information successful, information representing that communication of image information has failed, information representing that a communication result of image information is unverified, and information representing that the electronic mail data has been communicated by attaching image data corresponding to a common image data format standard, as in claims 53, 56, 58 and 59.

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51. As to part 6, Examiner would like to draw the Applicant's attention to the 112 rejection that is stated above from the amended claims. Furthermore, Seo, Miller and Wolf are not utilized in the rejection of these claims. As stated above, the Applicant still has not defined what is "common image data format standard", therefore, Joffe teaches the claimed limitation as described above in the rejection and reply to Applicant's arguments, as closely interpreted by the amended claim language of the Applicant.

52. In the remarks, Applicant argues in substance that the applied art of Joffe, Seo, Miller and Wolf do not teach the feature of holding information pertaining to functional information in a database in a device that communicates electronic mail data having image data attached, as disclosed in claims 61, 68, 72, 73 and 79. Also, the applied art of Joffe, Seo, Miller and Wolf do not teach the feature of, wherein on the basis of information about broadcast of a database pertaining to the functional information from an electronic mail server to which a plurality of communication apparatuses are connected and which distributes electronic mail data to the plurality of communication apparatuses, the database of each communication apparatus is updated to allow the plurality of communication apparatuses to share the contents of the databases, as stated in claims 68 and 79.

53. As to part 7, Examiner would like to draw the Applicant's attention to the claim language as stated above in this office action. In which it states that Seo and Wolf are not used to reject these claims. Furthermore, Joffe and Miller teach the claimed limitations as previously described above in the office action and response to the remarks above.

54. In the remarks, Applicant argues in substance that the applied art of Joffe, Seo, Miller and Wolf do not teach the feature of performing communication pertaining to functional information, when a mail address is registered in an electronic mail address registration function, with a communication partner apparatus registered in the electronic mail address registration function, and registering or updating the functional information with respect to an item, corresponding to the registered electronic mail address, in a database.

55. As to part 8, Examiner would like to draw the Applicant's attention to the claim language as stated above in this office action. In which it states that Seo and Wolf are not used to reject these claims. Furthermore, Joffe and Miller teach the claimed limitations as previously described above in the office action and response to the remarks above.

Conclusion

56. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. England whose telephone number is 703-305-5333. The examiner can normally be reached on Mon-Thur, 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 703-308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David E. England
Examiner
Art Unit 2143

De *DE*



DAVID WILEY
SUPERVISORY PATENT EXAMINER
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